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SUBJECT: TUNISIA: NEXT STEPS ON GTMO DETAINEE TRANSFERS

REF:A) TUNIS 1112
B) TUNIS 0967
C) TUNIS 0621
D) DEPUTY SECRETARY-BEN DHIA LETTER OF
5/4/07
E) TUNIS 0461

Classified by NEA Deputy Assistant Secretary Gordon Gray, reasons
1.4(b) and (d).

Summary

11. (S) The Deputies Committee concluded on August 23 that detainee transfers to Tunisia could continue if either (a) the USG obtains directly from the Minister of Interior the same humane treatment assurances that the USG previously obtained from Presidential Advisor Ben Dhia (including with respect to third-party access), or (b) the USG obtains an assurance from a sufficiently senior official in the GOT that in the future detainees transferred to Tunisia will not be detained by the MOI. Department requests that Post seek assurances that meet the requirements of one of the above options.

12. (S) Additional information regarding allegations that Abdallah Ben Omar (ISN-721) was mistreated while in Tunisian custody could further inform the USG's decision about continuing transfers to Tunisia. Department agrees that Post should continue efforts to meet with Justice Minister Tekkari to obtain an official response to these allegations. Additionally, if it becomes apparent that efforts to obtain the required assurances from the GOT through the means directed by the Deputies Committee are not succeeding, then Department would welcome Post's suggestions on other possible ways to obtain the assurances. End Summary.

Objectives

13. (S) In accordance with the Deputies Committee conclusion, Department requests that Post seek either:

-- (directly from Interior Minister Kacem) an assurance that the MOI will honor and abide by the humane treatment and third-party access assurances Presidential Advisor Ben Dhia previously provided on behalf of the GOT, as memorialized in a May 2007 exchange of letters between the Deputy Secretary of State and Ben Dhia (see para. 7, below); or

-- (from the GOT -- Interior Minister Kacem or the Presidency) an assurance that no detainee will be placed for any time in MOI custody upon transfer from Guantanamo to Tunisia, even for identification purposes.

(Note: Either assurance will be sufficient if provided orally and reported via front-channel cable. End Note.)

14. (S) With the aim of further informing the USG's decision about continuing transfers to Tunisia, Department agrees that Post should simultaneously continue efforts to meet with Justice Minister Tekkari to obtain an official response to allegations that Ben Omar was

mistreated while in Tunisian custody. Additionally, if it becomes apparent that efforts to obtain the required assurances from the GOT through the means recommended by the Deputies Committee are not succeeding, then Department would welcome Post's suggestions on other possible ways to obtain the assurances.

Reporting Deadline

15. (S) Post should report on its efforts to obtain the aforementioned oral assurances, and the content of discussions with Kacem, Tekkari, or other GOT officials, via front-channel cable. Please provide a status report on these efforts and discussions NLT Friday, September 21.

Background

16. (S) Reftel A reported Post's success in determining that former Guantanamo detainee Lotfi Ben Swei Lagha (ISN-660) has not been mistreated while in Tunisian custody. Reftel B, however, noted that efforts to meet with GOT authorities to discuss the case of former detainee Abdallah Ben Omar (ISN-721) have not yet yielded positive results. The alleged mistreatment of Ben Omar reportedly occurred while he was in MOI custody for several days immediately after his transfer to Tunisia, but reportedly the mistreatment has not continued since his transfer to MOJ custody.

17. (S) Prior to the two detainees' transfer from Guantanamo to Tunisia on June 18, Presidential Advisor Ben Dhia provided the USG the following assurances on behalf of the GOT, as memorialized in a May 2007 exchange of letters between Deputy Secretary of State Negroponte and Ben Dhia (reftels C, D, E):

-- That detainees are to be treated in accordance with the GOT's obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment upon their transfer to Tunisia;

-- That following confirmation of their identities, transferred detainees who were convicted in absentia of crimes are to be under the supervision of Tunisian justice authorities (i.e., the MOJ);

-- That, in addition to access by detainees' families and lawyers, the GOT has access arrangements with the ICRC relating to detainees in Tunisia, and is to evaluate requests for access to detainees under those arrangements; and

-- That the GOT is to give such requests for access positive consideration.

18. (S) Department appreciates Post's continuing efforts on the issue of Guantanamo detainees, including its patient efforts to ascertain the validity of allegations of mistreatment of former detainees. Department has taken under advisement the reftel B recommendation for a senior-level USG letter to Ben Dhia on this issue and will reassess that recommendation once the GOT response to the para. 3-4 action requests becomes clear.

Point of Contact

19. (SBU) Point of contact for this request is S/WCI - Mark Stamilio, phone: (202) 647-5234, email: StamilioMA2@state.sgov.gov
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